

Chapter 735 ZONING -- OTHER DISTRICTS *

ARTICLE V. HISTORIC PRESERVATION *

** Editor's note: This article consists of the historic preservation districts ordinance, adopted Dec. 3, 1968. Future amendments will be indicated by parenthetical history notes following the section amended.*

Sec. 735-500. Establishment of official zoning map; establishment of historic preservation districts.

(a) Establishment of the official zoning map.

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) Establishment of historic preservation districts. The following primary and secondary historic preservation districts for Marion County, Indiana, are hereby established, and land within the county is hereby classified, divided and zoned into such districts as designated on the official zoning map:

Symbol	Historic Preservation Districts
HP-I	Historic Preservation District One - Primary
HP-S	Historic Preservation District - Secondary

(G.O. 31, 2001, § 9)

Sec. 735-501. Historic preservation district regulations.

The following regulations shall apply to all land within the historic preservation districts:

(a) After the effective date of this article:

- (1) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.
- (2) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article. Provided, however, legally established nonconforming uses may be reconstructed or structurally altered if such reconstruction or alteration does not exceed in aggregate cost fifty (50) percent of the market value thereof.

(b) Historic preservation district performance standards. All uses established or placed into operation after the effective date of this article shall comply with the following performance standards. No use in existence on the effective date of this article shall be so altered or modified as to conflict with these standards.

- (1) Vibration. No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (2) Smoke. No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringlemann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
- (3) Dust. No use shall cause dust, dirt, or flyash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
- (4) Noxious matter. No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) Odor. No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (6) Sound. No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
- (7) Heat and glare. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (8) Waste matter. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

Sec. 735-502. HP-I Historic Preservation District One - Primary.

Note: The HP-I Historic Preservation District One - Primary is designated to permit the preservation, reconstruction, restoration or development of an historic area or site designated by the comprehensive plan as an historic preservation project area. In order to preserve an historic area, restore structures of historic, architectural or other planning significance, or recreate a neighborhood or site, including the environment and atmosphere of a past day, with appropriate contemporary land uses, the zoning district regulations must differ from those of other zoning districts in such aspects as character of land uses permitted, building setbacks, lot size, off-street parking, street standards, construction materials, architectural controls, etc. Because of the individuality inherent in any specific historic preservation project, architectural and site development standards appropriate for each historic area designated by the comprehensive plan shall be included in the zoning controls.

(a) Permitted HP-I District uses. The following uses shall be permitted in the HP-I District. All uses in the HP-I District shall conform to the regulations of section 735-201 and the HP-I District development standards (subsection (b) hereof).

- (1) Historic structure, occupied, unoccupied and/or open to the public; historic use.
- (2) Single- or multifamily dwelling; apartment hotel; hotel.
- (3) Public and semi-public structures and facilities, including but not limited to, police or fire station, rail station, school, museum, church, civic or community center, auditorium or assembly hall, theatre, bandstand.

- (4) Parks, playgrounds, malls, plazas, pedestrian areas, scenic areas, greenways, bridge paths, hiking and bicycle trails, and other open space uses.
- (5) Business and professional offices; retail sales and services; other commercial establishments.
- (6) Shops of tradesmen and craftsmen; arts or crafts studios, galleries, exhibition halls; outdoor uses, such as sidewalk cafes, outdoor performing arts or exhibition areas, sculpture courts, gardens.
- (7) Other uses similar and comparable in character to the above specified uses.
- (8) Primary or accessory off-street parking lots or structures for historic preservation project occupants, employees and visitors; trolley terminal; stable, blacksmith shop.
- (9) Historic preservation project management or information office.
- (10) Accessory utility or maintenance structures and facilities.
- (11) Temporary structures incidental to preservation, reconstruction, restoration or development.

(b) HP-I District development standards.

- (1) Conformance with historic preservation area plan. All uses permitted in the HP-I District shall be in conformance with the applicable historic preservation area plan officially adopted as a part of the Metropolitan Plan Commission's Comprehensive Plan for Marion County, Indiana.
- (2) Conformance with architectural and site development standards. All uses permitted in the HP-I District shall comply with the following applicable architectural and site development standards (as specified in subsection (c) below for each historic preservation area designated by the Metropolitan Plan Commission's Comprehensive Plan for Marion County, Indiana), setting forth, identifying and prescribing requirements for:
 - a. The general character of the historic preservation area, site development and land uses therein.
 - b. Types of buildings and structures.
 - c. Architectural style of buildings and structures.
 - d. Materials used in construction of buildings and structures.
 - e. Sizes of lots, location of buildings and structures on lots.
 - f. Location, design and materials used in construction of walls, fences, walks and other appurtenant features.
 - g. Location, character, design and orientation of parks, playgrounds, off-street parking areas or structures, off-street loading areas and other similar uses, vehicular access.
 - h. Location, character, design and orientation of identification, business and advertising signs; and materials of which such signs shall be constructed.

(c) Architectural and site development standards for Historic Preservation Area Plan I - Lockerbie Square. Purpose. The recreation of a neighborhood of a long-past period of Indianapolis' development, portraying realistically a way of life of the period 1870 to 1910, calls for meticulous care in the preservation, restoration, reconstruction and reproduction of every structure and feature to be included. Brick streets and sidewalks, limestone curbs, cobblestone alleys, gas street lights, and authentic fire hydrants, street name signs, park benches, etc., will be characteristic of the period to be recreated - with attention to developmental and operations details, such as characteristic landscaping, wrought-iron and board fences, backyard clotheslines. Occupancy of residential buildings, operating

business establishments, and public and semi-public facilities open to community use will provide a living museum of early Indianapolis life.

Lockerbie Square will differ from an actual neighborhood of the 1880's only in its scale in order to include in the historic area the maximum variety of business shops, public and semi-public buildings, and other functions that once served its residents. One (1) of the outstanding features of the neighborhood, as it originally existed, is the diversity of residential structures, not only architecturally, but in scale.

The architectural, site and project standards set forth herein are intended to assure the authenticity of all buildings, structures, public improvements, and appurtenances, in accordance with the Comprehensive Plan for Marion County, Indiana, and shall apply to all land designated in the Historic Area - Plan I for Marion County, Indiana, Lockerbie Square (adopted by the Metropolitan Plan Commission's Resolution 68-CPS-R-4, September 11, 1968) and zoned to the HP-I District classification.

(1) Architectural and site development standards for Historic Preservation Area I - Lockerbie Square.

- a. Streets and alleys. Existing streets and alleys shall be restored or reconstructed in wood paver blocks, brick pavers, cobblestone, or other special material used in Indianapolis during the period 1870--1910, and in accordance with the original historic area development.
- b. Curbs. Curbs shall be restored or reconstructed with cut limestone slabs or brick in accordance with the original historic area development.
- c. Sidewalks. Existing sidewalks shall be restored or reconstructed of brick pavers, cobblestone, or other special material used in Indianapolis during the period 1870--1910. Width of walks, location adjacent to or the distance from the curb, and design of pavement materials of walks shall be in keeping with the original historic area development, except:
 1. Sidewalks related to public, semi-public, business, and other nonresidential uses not originally existing in the historic area shall be designed, dimensioned and constructed appropriately for such uses existing in the period of approximately 1870--1910.
 2. Sidewalks or walkways associated with the "Village Green," a park, playground, public garden, or other open space shall be designed, dimensioned, and constructed in character with such uses existing in Indianapolis in the period of approximately 1870--1910.
- d. Trolley tracks. Tracks for horse-drawn trolley(s) shall be located in accordance with the approved site and development plan, making use of both streets and alleys to provide an appropriate circulation system through the historic area. Additional width of existing alleys may be necessary to accommodate trolley movement safely and without interference with pedestrian traffic.
- e. Street lighting. Street lighting throughout Lockerbie Square shall be restricted to gas or gas-simulated electric fixtures and equipment. (It is recognized that location, placement and spacing of lighting fixtures cannot be wholly in keeping with the original historic area development pattern due to the need to provide adequate and appropriate lighting levels for evening visitors to the site, etc.)
- f. Street name signs. Street name signs shall be authentic reproductions of original street signs of the historic area and shall be appropriately placed within the area.

- g. Landscaping and plant materials. Landscaping of and plant materials used in street rights-of-way, public parks and other open space areas shall be characteristic of and common to the period approximately 1870--1910.
- h. Other appurtenances and fixtures. Statuary, fountains, pools, benches, walls and fences, and other similar fixtures shall be of appropriate design and materials, and in keeping in their placement and relationship to surrounding uses, with the period approximately 1870--1910.
- i. Limited automotive traffic. Beginning at an appropriate phase of development of the historic area, as determined by the Indianapolis Historic Preservation Commission, all automotive traffic shall thereafter be prohibited from the historic area, except:
 - 1. In the general public parking area at the northeast corner of the historic area;
 - 2. In the off-street parking area at the northwest corner of the historic area;
 - 3. In the off-street parking areas designated for customers of the businesses and shops along the south boundary of the historic area;or as otherwise or additionally limited by the Indianapolis Historic Preservation Commission. Provided, however, access and off-street parking by residents of the historic area shall be limited to the residential properties, and residents' vehicles shall be appropriately screened from public view.
- j. Electrical and telephone service; television antennas. All electrical and telephone service to the historic area shall be underground. Television antennas shall not be permitted on any structure.
- k. Outdoor advertising signs. No "billboards" or other outdoor advertising signs or devices shall be permitted within the historic area.
- l. Architectural and site design. The design of all buildings, structures and architectural elements in the restoration, preservation, reconstruction, structural alteration, relocation, development, or redevelopment within the historic area shall conform to the best standards typifying architecture of Indianapolis during the period of approximately 1870--1910, and each structure shall represent an architectural style wholly compatible and in harmony with existing and planned uses and structures on adjacent properties.

The design of each lot or site upon which a building or structure is restored, preserved, reconstructed, relocated or developed or constructed shall be compatible and in harmony with the design of adjacent properties.

Site and development plans and architectural plans for all such restoration, preservation, reconstruction, structural alteration, relocation, development or redevelopment within the historic area shall be submitted to the Indianapolis Historic Preservation Commission for review. The approval thereof by the Commission shall be required prior to the issuance of a certificate of appropriateness by the Commission.
- m. Construction materials. Where not specified, finish materials used in the construction of all buildings, structures, and appurtenant fixtures or features included on the lot or site shall be those found in common use in Indianapolis during the period of approximately 1870--1910. The choice among such qualifiable materials shall not create an incongruous and incompatible association with material used in buildings or structures on adjacent properties.
- n. Residential structures.

1. Residential structures in the historic area may be single-family, two-family, or multifamily dwelling units.

2. Residential structures may be one (1) to three (3) stories in height. Provided however, not less than fifty (50) percent of the total residential structures within the historic area shall be one and one-half (1 1/2) to two and one-half (2 1/2) story single-family dwellings, constructed of brick or wood frame, having panel type doors, and double hung or casement windows.

3. Permitted outbuildings and accessory structures shall be appropriate to the lot and primary structure, and shall be of a scale, design and function in keeping with the primary use.

4. Setback: The front setback (or side or rear setback, as applicable) of structures on lots abutting streets bounding the historic area (New York Street, College Avenue, Michigan Street and East Street) shall be not less than fifteen (15) feet from the right-of-way line of such streets.

The front or corner front setback of structures on lots abutting interior streets within the historic area shall be not less than ten (10) feet from the street right-of-way line.

Side and rear yard setbacks shall be in keeping with setbacks typical of residential structures in Indianapolis in the period of approximately 1870--1910.

5. Signs: No signs shall be permitted except identification name plates when approved by Indianapolis Historic Preservation Commission as part of the site and development plan.

o. Retail sales and services, offices and other businesses.

1. Commercial uses may be in single- or multiunit structures.

2. Commercial structures shall not exceed three (3) stories in height, except:

(a) When combined with residential use, the height limitation shall be four (4) stories.

(b) If the commercial use is a hotel or in combination with a hotel, the height limitation shall be ten (10) stories.

3. Not less than fifty (50) percent of the total commercial structures within the historic area shall be one- to two-story buildings, of brick or wood frame.

4. Setback: The front setback (or side or rear setback, as applicable) of structures on lots abutting streets bounding the historic area (New York Street, College Avenue, Michigan Street and East Street) shall be not less than ten (10) feet from the right-of-way line of such street.

The front or corner front setback of structures on lots abutting interior streets within the historic area shall be not less than five (5) feet from the street right-of-way line.

Side and rear yard setbacks shall be in keeping with setbacks typical of commercial structures in Indianapolis in the period of approximately 1870--1910.

5. Signs: Business signs shall be permitted provided they are of a size, style, design, content, material and location upon the building or lot

characteristic of signs used in association with business establishments in Indianapolis during the period of approximately 1870--1910.

6. Service courts: Refuse and service equipment may be located on individual or common service courts with accessibility for proper maintenance, but shall be fully screened from public view.

p. Institutional, public, and semi-public structures.

1. Institutional, public, and semi-public structures may be of unlimited height. Provided, however, the height of any such structure shall be in harmony and proportion to surrounding existing and planned structures and uses.

2. Setback: The front setback (or side or rear setback, as applicable) of structures on lots abutting streets bounding the historic area (New York Street, College Avenue, Michigan Street and East Street) shall not be less than fifteen (15) feet from the right-of-way line of such streets.

The front or corner front setback of structures on lots abutting interior streets within the historic area shall not be less than ten (10) feet from the street right-of-way line.

Side and rear yards shall be in keeping with setbacks typical of such institutional, public, or semi-public structures in Indianapolis in the period of approximately 1870--1910.

3. Signs: Identification signs for an institutional, public, or semi-public structures shall be appropriate and in keeping with signs typically used in association with such structures during the period of approximately 1870--1910.

q. Special structures. Structures such as, but not limited to, historic project area administration building, information building or booths, village green, bandstand and parking garage shall be permitted provided such structures are:

1. Designed in an architectural style to accomplish for any specific structure the maximum compatibility with the historic area as a whole and adjacent structures and uses.

2. Constructed of materials common to the period of approximately 1870--1910, except the parking garage may be constructed of other appropriate materials.

r. Landscaping of yards. Landscaping, including appurtenant features and fixtures of all yards, shall be in a style and fashion typical of the best standards of landscape architecture in Indianapolis in the period of approximately 1870--1910. Materials used in yards shall be as follows:

1. Walls and fences shall be constructed of wood, brick, stone or wrought iron.

2. Walks, patios and similar surfaces shall be constructed of wood blocks, brick pavers, cobblestone or other appropriate natural material.

3. Trees, shrubbery and other plants used shall be those native to the Indianapolis area or imports available to the local area during the period of approximately 1870--1910.

4. Other appurtenant features and fixtures shall be of materials and design typically used in Indianapolis during the period of approximately 1870--1910.

(2) Conformance with architectural and site development standards; historic preservation area plan; site and development plan; Improvement Location Permit. All preservation, reconstruction, restoration, development, and use within the HP-1 District (including, but not limited to, the location and type of street, alleys, curbs, sidewalks and materials used in the construction thereof, the location and character of buildings, structures and uses, including the location, amount and character of public and semi-public structures and facilities, open spaces, plazas, gardens and pedestrian areas, and the location of vehicular access to and from the project area, including acceleration and deceleration lanes) shall be in accordance with all requirements of this article, including the architectural and site development standards of subsection (c) above, the applicable historic preservation area plan officially adopted as a part of the Metropolitan Plan Commission's Comprehensive Plan for Marion County, Indiana, the approved site and development plan and Improvement Location Permit issued therefor.

No building or structure shall be erected, located, relocated, structurally altered, reconstructed or restored, or use established or placed in operation without an Improvement Location Permit. Such permit shall not be issued until a site and development plan for such building, structure or use has been approved by the Indianapolis Historic Preservation Commission and a certificate of appropriateness issued therefor by such Historic Preservation Commission. Provided, however, the approval of the Historic Preservation Commission shall be subject to review by the Metropolitan Plan Commission as to its appropriateness in relation to the Comprehensive Plan of Marion County, Indiana. Applications for Improvement Location Permit shall be made upon Metropolitan Planning Department forms and shall include, in addition to copies of the site and development plan and certificate of appropriateness, all information required by applicable ordinances and specified by such form.

Sec. 735-503. HP-S Historic Preservation District - Secondary.

Note: The HP-S Historic Preservation District - Secondary is designed to assure that the area immediately peripheral to the primary historic district will not be developed in a character, style, scale, etc., that would be unharmonious or incompatible with the character or overall atmosphere of the historic area or with the character of individual structures and uses therein. The primary zoning district or districts applicable to land in the secondary district will specify the land uses permitted and regulate height, bulk, area, intensity, etc., of land uses. The secondary zoning district will provide only for an additional limited control of the design, massiveness, proportion and height of peripheral development.

(a) Permitted HP-S District uses. Uses permitted in the HP-S District shall be controlled by the regulations and requirements of the primary zoning district or districts applicable to land therein, subject to the additional regulations of subsection (b) below.

(b) HP-S district development standards.

(1) All uses established or placed into operation, or buildings or structures located, relocated, erected, structurally altered, reconstructed or restored after the effective date of this article shall comply with all regulations and requirements of the applicable primary zoning district. Provided, however, the Indianapolis Historic Preservation Commission may impose, as conditions to its issuance of a certificate of appropriateness for any use, building or structure in the HP-S District, development standards, as follows:

- a. Limitations upon the height of buildings and structures, including signs.
- b. Limitations upon the total frontage or area of the face of a building or structure.
- c. Specifications regarding architectural style and design.
- d. Specifications regarding exterior construction materials.

- e. Restrictions for display windows or permitted exterior use or display.
- f. Specifications for type, size, style, design, character, amount or illumination, and construction materials of all signs.
- g. Limitation or prohibition of surface or structural off-street parking, as a primary or accessory use; requirements for screening of off-street parking areas or structures, where permitted.

Provided further, however, in no instance shall the development standards required by the Historic Preservation Commission for any use be less restrictive than the regulations and requirements of the applicable primary zoning district.

- (2) No building or structure shall be erected, located, relocated, structurally altered, reconstructed or restored, or use established or placed in operation without an Improvement Location Permit. Such permit shall not be issued until a site and development plan for such building, structure or use has been approved by the Indianapolis Historic Preservation Commission and a certificate of appropriateness issued therefor by such Historic Preservation Commission. Provided, however, the approval of the Historic Preservation Commission shall be subject to review by the Metropolitan Plan Commission as to its appropriateness in relation to the Comprehensive Plan of Marion County, Indiana. Applications for Improvement Location Permit shall be made upon Metropolitan Planning Department forms and shall include, in addition to copies of such site and development plan and certificate of appropriateness, all information required by applicable ordinances and specified by such form.

Sec. 735-504. Severability.

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this article shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this article as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word provision or portion so held to be unconstitutional or invalid.